

**REMARKS**

Claims 1, 4, 6, 8-9, and 11-16 are amended. Claims 2, 3, and 7 are canceled without prejudice or disclaimer. No new matter is added by these amendments. Claims 1, 4-6, and 8-20 are pending. Applicant respectfully requests reconsideration and allowance of all claims in view of the amendments above and the remarks that follow.

**Rejections under 35 U.S.C. 101**

Claims 1-5 are rejected under 35 U.S.C. 101 for being directed to non-statutory subject matter. Applicant respectfully traverses these grounds for rejection. Claim 1 recites "creating a new access plan" and "performing the query," both of which provide an outcome and a tangible result. Claims 2-3 are canceled without prejudice or disclaimer, so the rejection is moot. Claims 4-5 are dependent on claim 1 and are statutory for the reasons argued above.

Claim 6 is rejected under 35 U.S.C. 101 for not producing a repeatable result. Claim 6 recites "creating the new access plan and comparing the saved access plan with the new access plan if the determining is false," which provides a repeatable result.

Claims 11-15 are rejected under 35 U.S.C. 101 for being directed to a transmitting medium. Claims 11-15 are amended to recite a storage device, which is statutory subject matter.

**Rejections under 35 U.S.C. 112**

Claims 1, 6, 11, and 16 are rejected under 35 U.S.C. 112 because "potential" "does not comprise a unique meaning." The claims are amended to remove "potential."

Claims 1-5, 6-9, 11-13, and 16-17 are rejected under 35 U.S.C. 112 because "'whether' and 'if' are relative terms and the specification does not provide a standard for ascertaining the requisite degree."

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Applicant respectfully traverses these grounds for rejection. The specification provides a standard for ascertaining the requisite degree of “whether” and “if,” for example, at blocks 310 and 325 of Fig. 3, blocks 410 and 425 of Fig. 4, blocks 510, 515, and 530 of Fig. 5, which show decision blocks each having binary decision legs of “yes” and “no.” Thus, “whether” and “if” have a degree of two because they are binary decisions. The specification further provides a standard for ascertaining the requisite degree of “whether” and “if” at page 13, lines 4-26; page 14, lines 4-5 and lines 16-28; page 15, lines 1-9 and lines 15-28; and page 16, lines 4-24.

Claims 1-20 are rejected under 35 U.S.C. 112 because “it’s unclear how the saved access plan is rebuilt.” Applicant respectfully traverses these grounds for rejection. The claims are not claiming merely “rebuild a saved accessed plan.” Instead, e.g., claim 1 recites: “the trigger indicates a need to rebuild a saved access plan.” Thus, “a need to rebuild a saved access plan” describes what “the trigger indicates.” That is, “a need to rebuild a saved access plan” is the meaning of the existence of “the trigger,” which “the detecting” detects.

Claims 1-20 are rejected under 35 U.S.C. 112 because “determining whether a previous job associated with the trigger created a new access plan that was identical to the saved access plan means a new access plan is already created and compared to the saved access plan to see if they are identical.” Applicant respectfully disagrees and traverses these grounds for rejection because the result of the determining is false if a previous job did not create a new access plan, and the result is also false if a new access plan was created but that new access plan was not identical to the saved access plan.

#### 35 U.S.C. 102 Rejections

Claims 1-20 are rejected under 35 U.S.C. 102(b) as anticipated by Ellis (US 6,366,901). Applicant respectfully traverses these grounds for rejection because all of the elements of the claims are not taught by Ellis for the reasons argued below.

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Claim 1 recites: "if the previous job associated with the trigger did not create the access plan that was identical to the saved access plan, creating a new access plan and comparing the saved access plan with the new access plan."

In contrast, Ellis does not compare execution plans. Instead, Ellis finds an execution plan and attempts to verify the execution plan (column 8, lines 59-60). If the execution plan is no longer valid, Ellis discards the plan and produces a new execution plan (column 9, lines 9-14). If the execution plan is not out of date, Ellis queues the plan for execution (column 9, lines 13-14). Ellis further determines whether a trivial execution plan exists and queues the trivial plan for execution (column 9, lines 23-32). If no satisfactory trivial plan exists, Ellis develops an execution plan via a "guess" (column 9, lines 32-44).

Thus, Ellis does not teaching or suggest comparing execution plans, as recited in claim 1.

Independent claims 6, 11, and 16 include similar elements as argued above for claim 1 and are patentable over the references for similar reasons. Claims 4-5, 8-10, 12-15, and 17-20 are dependent on claims 1, 6, 11, and 16, respectively, and are patentable for the reasons argued above, plus the elements in the claims.

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Conclusion

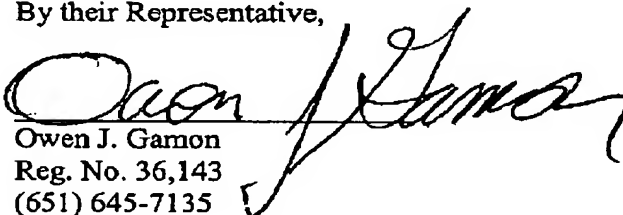
Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (651-645-7135) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 09-0465.

Respectfully submitted,

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By their Representative,

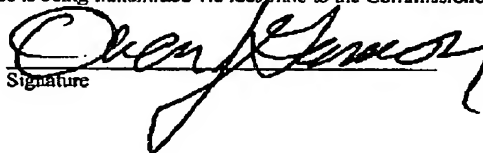
  
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Date: August 21, 2006

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CERTIFICATE UNDER 37 CFR 1.8: I hereby certify that this correspondence is being transmitted via facsimile to the Commissioner for Patents 571-273-8300, on August 21, 2006.

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